

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case	Date Filed
22-CA-29333	3/5/2010

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer Joint Employer 1) Power Survey Co. / 2) On Target	b. Number of workers employed 35	
c. Address (street, city, state, ZIP code) 1) 77 South Hackensack Ave S. Kearney, NJ 07508 2) 1040 Orchard St North Brunswick, NJ 08902	d. Employer Representative 1) (b) (6), (b) (7)(C) 2) (b) (6), (b) (7)(C)	e. Telephone No. 1) (b) (6), (b) (7)(C) 2) (b) (6), (b) (7)(C)
f. Type of Establishment (factory, mine, wholesaler, etc ) Staffing Agency	g. Identify principal product or service Contract employees	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) & (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2 Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>On or about (b) (6), (b) (7)(C), 2010 and (b) (6), (b) (7)(C) 2010, it, the Employer discharged (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) because of their activities on behalf of Local 3, IBEW.</p> <p>On or about February 24, 2010, it, the Employer threatened to discharge employees because of their Union activities,</p> <p>By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.</p>		
3 Full name of party filing charge (if labor organization, give full name, including local name and number) (b) (6), (b) (7)(C)		
4a. Address (street and number, city, state and ZIP code)\	4b. Telephone No.	
(b) (6), (b) (7)(C)	(b) (6), (b) (7)(C)	
5 Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization).		
6. DECLARATION		
(b) (6), (b) (7)(C) the above charge and that the statements are true to the best of my knowledge and belief.		
An Individual		
_____ Filing charge		
Telephone No. See above		Date 3-5-10

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)

UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD  
**CHARGE AGAINST EMPLOYER**

DO NOT WRITE IN THIS SPACE	
Case <b>22-CA-29356</b>	Date Filed <b>3/24/2010</b>

**INSTRUCTIONS**

File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT		
a. Name of Employer <b>On Target Staffing, LLC and Power Survey Company, a Joint Employer</b>		b. Number of workers employed approximately 40
c. Address (street, city, state, ZIP code) <b>Power Survey - 77 South Hackensack Avenue, South Kearny, NJ 07302 On Target - 1040 Orchard Street, North Brunswick, NJ 08902</b>	d. Employer Representative <b>(b) (6), (b) (7)(C)</b> Power Survey <b>(b) (6), (b) (7)(C)</b> On Target Staffing	e. Telephone No. <b>(b) (6), (b) (7)(C)</b> <b>(b) (6), (b) (7)(C) - 732-951-3210</b>
f. Type of Establishment (factory, mine, wholesaler, etc.)	g. Identify principal product or service <b>Stray Voltage Detection</b>	
h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) (3) (4) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.		
2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)		
<p>Since on or about February 24, 2010, the above-referenced Employer, by its officers, agents and representatives has threatened to terminate its employees for participating in the Board's processes.</p> <p>Since on or about <b>(b) (6), (b) (7)(C)</b> 2010, the above-referenced Employer, by its officers, agents and representatives has discriminated against its employee, <b>(b) (6), (b) (7)(C)</b> by reducing <b>(b) (6), (b) (7)(C)</b> work hours because of <b>(b) (6), (b) (7)(C)</b> union sympathies and activities.</p> <p>On or about March 18, 2009, the above-referenced Employer, by its officers, agents and representatives has threatened to terminate its employees for participating in the Board's processes.</p> <p>By the above and other acts, the above-named employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.</p>		
3. Full name of party filing charge (if labor organization, give full name, including local name and number) <b>(b) (6), (b) (7)(C)</b>		
4a. Address (street and number, city, state and ZIP code) <b>(b) (6), (b) (7)(C)</b>	4b. Telephone No. <b>(b) (6), (b) (7)(C)</b>	
5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization).		
6. DECLARATION		
<p><b>(b) (6), (b) (7)(C)</b> I have charge and that the statements are true to the best of my knowledge and belief.</p> <p>By <b>(b) (6), (b) (7)(C)</b> <u>An Individual</u> Signature (print title)</p> <p>Address <b>(b) (6), (b) (7)(C)</b> Telephone No. <b>(b) (6), (b) (7)(C)</b> Date <b>3/24/10</b></p> <p>See 4a. See 4b.</p>		

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT  
(U.S. CODE, TITLE 18, SECTION 1001)



(9-07)

NATIONAL LABOR RELATIONS BOARD  
Amended CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case  
22-CA-29356Date Filed  
3/31/2010

## INSTRUCTIONS:

File an original together with four copies and a copy for each additional charged party named in item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

## 1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer

On Target Staffing, LLC and Power Survey Company, a Joint Employer

b. Number of workers employed

40

c. Address (street, city, state, ZIP code)

Power Survey- 77 South Hackensack Avenue, S. Kearny, NJ 07302

On Target- 1040 Orchard Street, North Brunswick, NJ 08902

d. Employer Representative

Power Survey- (b) (6), (b) (7)(C)

On Target- (b) (6), (b) (7)(C)

e. Telephone No.

(b) (6), (b) (7)(C)

(b) (6), (b) (7) 732-951-3210

Fax No.

f. Type of Establishment (factory, mine, wholesaler, etc.)

g. Identify principal product or service

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (1) (3) (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

## 2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

Since about February 24, 2010, the above-referenced Employer, by its officers, agents and representatives, has threatened to terminate its employees for participating in the Board's processes.

Since about (b) (6), (b) (7)(C) 2010, the above-referenced Employer, by its officers, agents and representatives, has discriminated against its employee (b) (6), (b) (7)(C) by reducing (b) (6), (b) (7)(C) work hours because of (b) (6), (b) (7)(C) union sympathies and activities.

On about March 18, 2010, the above-referenced Employer, by its officers, agents and representatives, has threatened its employees for participating in the Board's processes.

By the above and other acts, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

## 3. Full name of party filing charge (if labor organization, give full name, including local name and number)

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Telephone No.

(b) (6), (b) (7)(C)

Fax No.

## 5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

(b) (6), (b) (7)(C)

## 6. DECLARATION

the above charge and that the statements are true to the best of my knowledge and belief.

E (b) (6), (b) (7)(C) making charge)

(fax) \_\_\_\_\_

(Print/type name and title or office, if any)

Address same as above

same as above

(Telephone No.)

3/31/10  
(date)

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigations. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.



FORM NLRB-501

UNITED STATES OF AMERICA

(9-07)

NATIONAL LABOR RELATIONS BOARD

Second Amended CHARGE AGAINST EMPLOYER

FORM EXEMPT UNDER 44 U.S.C. 3512

**DO NOT WRITE IN THIS SPACE**

Case

22-CA-29356

Date Filed

4/7/2010

**INSTRUCTIONS:**

File an original together with four copies and a copy for each additional charged party named in Item 1 with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

**1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT**

a. Name of Employer

On Target Staffing, LLC and Power Survey Company, a Joint Employer

b. Number of workers employed

40

c. Address (street, city, state, ZIP code)

Power Survey- 77 South Hackensack Avenue, S. Kearny, NJ 07302  
On Target- 1040 Orchard Street, North Brunswick, NJ 08902

d. Employer Representative

Power Survey- (b) (6), (b) (7)(C)  
On Target- (b) (6), (b) (7)(C)

e. Telephone No.

(b) (6), (b) (7)(C)  
(b) (6), (b) (7)(C) 732-951-3210

Fax No.

f. Type of Establishment (factory, mine, wholesaler, etc.)

g. Identify principal product or service

h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) (1) (3) (4) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are unfair practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

**2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)**

Since about February 24, 2010, the above-referenced Employer, has threatened to terminate its employees for participating in the Board's processes.

Since about (b) (6), (b) (7)(C) 2010, the above-referenced Employer, has discriminated against (b) (6), (b) (7)(C) by reducing (b) (6) work hours because of (b) (6) union sympathies and activities.

On about March 18, 2010, the above-referenced Employer, threatened employees for participating in the Board's processes.

On about (b) (6), (b) (7)(C) 2010, the above-referenced Employer, constructively discharged (b) (6), (b) (7)(C)

By the above and other acts, the above-named Employer has interfered with, restrained, and coerced employees in the exercise of the rights guaranteed in Section 7 of the Act.

**3. Full name of party filing charge (if labor organization, give full name, including local name and number)**

(b) (6), (b) (7)(C)

4a. Address (street and number, city, state, and ZIP code)

(b) (6), (b) (7)(C)

4b. Telephone No.

(b) (6), (b) (7)(C)

Fax No.

**5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)****6. DECLARATION**

(b) (6), (b) (7)(C)

I declare and that the statements are true to the best of my knowledge and belief.

By

(b) (6), (b) (7)(C)

(fax)

An Individual

(Print type name and title or office, if any)

Address same as above

same as above

(Telephone No.)

(date)

**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)****PRIVACY ACT STATEMENT**

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigations. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information will cause the NLRB to decline to invoke its processes.

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22

POWER SURVEY, LLC,  
ON TARGET STAFFING, LLC  
Joint Employers

and

Case 22-CA-29333

(b) (6), (b) (7)(C)  
an Individual

POWER SURVEY, LLC,  
ON TARGET STAFFING, LLC  
Joint Employers

and

Case 22-CA-29356

(b) (6), (b) (7)(C)  
an Individual

ORDER CONSOLIDATING CASES, CONSOLIDATED COMPLAINT  
AND NOTICE OF HEARING

(b) (6), (b) (7)(C), an individual, herein called (b) (6), (b) (7)(C) has charged in Case 22-CA-29333, and (b) (6), (b) (7)(C), an individual, herein called (b) (6), (b) (7)(C) has charged in Case 22-CA-29356 that Power Survey Company, herein described by its correct name, Power Survey, LLC, and herein individually called Respondent Power Survey, and On Target Staffing, LLC, herein individually called Respondent On Target, and herein collectively called Respondents, have been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C Sec. 151 et. seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and



Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 22-CA-29333 was filed by (b) (6), (b) (7)(C) on March 5, 2010, and a copy was served by regular mail upon Respondents on the same date.

(b) The charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on March 24, 2010, and a copy was served by regular mail upon Respondents on March 25, 2010.

(c) The first amended charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on March 31, 2010, and a copy was served by regular mail upon Respondents on April 1, 2010.

(e) The second amended charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on April 7, 2010, and a copy was served by regular mail upon Respondents on April 8, 2010.

(f) The third amended charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on June 1, 2010, and a copy was served by regular mail upon Respondents on the same date.

2. (a) At all material times, Respondent Power Survey, a Delaware corporation, has been engaged in the business of mobile stray voltage detection out of its 25 Campus Drive, Kearny, New Jersey facility, herein called Respondent Power Survey's Kearny facility.

(b) At all material times, Respondent On Target, a limited liability company with offices throughout the state of New Jersey, has been engaged in the business of providing temporary staffing labor to companies, including Respondent Power Survey

3. During the preceding twelve month period, Respondent Power Survey, in conducting its business operations described above in paragraph 2(a), purchased and received at its Kearny facility goods valued in excess of \$50,000 directly from points located outside the State of New Jersey.

4. During the preceding twelve month period, Respondent On Target, in conducting its business operations described above in paragraph 2(b), performed services valued in excess of \$50,000 in states other than the State of New Jersey.

5. (a) At all material times, Respondent Power Survey has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

(b) At all material times, Respondent On Target has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. At all material times, Local 3, International Brotherhood of Electrical Workers, herein called the Union, has been a labor organization within the meaning of Section 2(5) of the Act.

7. (a) At all material times, Respondents have been parties to a contract which provides that Respondent On Target will supply Respondent Power Survey with temporary employees to supplement Respondent Power Survey's permanent complement of field technicians.

(b) At all material times, Respondent Power Survey has exercised control over the labor relations policy of Respondent On Target for the employees of Respondent On Target working at Respondent Power Survey.

(c) At all material times, Respondent Power Survey and Respondent On Target have been joint employers of the employees of Respondent On Target.

8. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent Power Survey within the

meaning of Section 2(11) of the Act and agents of Respondent Power Survey within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

9. At all material times, (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) of Respondent On Target and has been a supervisor of Respondent On Target within the meaning of Section 2(11) of the Act and an agent of Respondent On Target within the meaning of Section 2(13) of the Act.

10. About February 24, 2010, Respondent On Target, by (b) (6), (b) (7)(C), at a gas station located along Truck Route 1 & 9:

(a) promised its employees improved holiday and vacation pay if they refrained from union organizational activities;

(b) by soliciting employee complaints and grievances, promised its employees increased benefits and improved terms and conditions of employment if they refrained from union organizational activities;

(c) threatened employees with discharge if they engaged in activities in support of or on behalf of the Union or any other labor organization;

(d) threatened employees with discharge if they appeared to vote or voted at the NLRB election to be conducted the following month.



11. About March 18, 2010, Respondent Power Survey, by (b) (6), (b) (7)(C), threatened Respondent On Target's employees with discharge for appearing to vote on the night of the Board election.

12. About (b) (6), (b) (7)(C), 2010, Respondents discharged (b) (6), (b) (7)(C).

13. About (b) (6), (b) (7)(C) 2010, Respondents discharged (b) (6), (b) (7)(C).

14. (a) About early (b) (6), (b) (7)(C) 2010, Respondents reduced the hours of (b) (6), (b) (7)(C)

(b) About (b) (6), (b) (7)(C), 2010, Respondents further reduced the hours of (b) (6), (b) (7)(C).

15. About early (b) (6), (b) (7)(C) 2010, Respondents discharged (b) (6), (b) (7)(C).

16. Respondents engaged in the conduct described above in paragraphs 12 through 15 because the named employees of Respondent assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

17. Respondents engaged in the conduct described above in paragraphs 14(b) and 15 because the named employee of Respondent voted at the representation election conducted by the Board on March 18, 2010.

21. By the conduct described above in paragraphs 10 and 11, Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

22. By the conduct described above in paragraphs 12 through 16, Respondents have been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

23. By the conduct described above in paragraphs 14(b), 15 and 17, Respondents have been discriminating against employees for participating in a Board conducted proceeding in violation of Section 8(a)(1) and (4) of the Act.

24. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 12 through 17, the Acting General Counsel seeks an Order requiring that the Respondent pay interest on any back pay or other monetary awards on a compounded, quarterly basis. The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 17th day of August, 2010, at 9:30 a.m. and on consecutive days thereafter until concluded, a hearing will be conducted at the Veteran's Administration Building, 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated amended complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

#### **ANSWER REQUIREMENT**

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the consolidated amended complaint. The answer must be



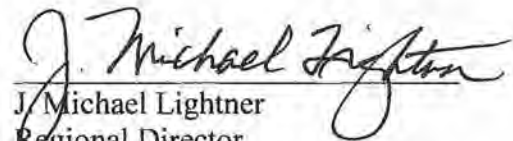
**received by this office on or before July 6, 2010, or postmarked on or before July 5, 2010.** Unless filed electronically in a pdf format, Respondent should file an original and four copies of its answer with this office and serve a copy of its answer on each of the other parties.

An answer may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If an answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer needs to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must still be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may

find, pursuant to a Motion for Default Judgment, that the allegations in the consolidated amended complaint are true.

Dated at Newark, New Jersey, this 22nd day of June, 2010.

A handwritten signature in black ink, reading "J. Michael Lightner". The signature is fluid and cursive, with the first name "J." and last name "Lightner" clearly legible.

J. Michael Lightner  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102-3110

Attachments



**CARMAGNOLA & RITARDI, LLC**

60 Washington Street

Morristown, NJ 07960

(973) 267-4445

(973) 267-4456(FAX)

Attorneys for On Target Staffing, LLC

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

POWER SURVEY and ON TARGET  
STAFFING, LLC,  
Joint Employers

and

**(b) (6), (b) (7)(C)**

an Individual

Case 22-CA-29333

POWER SURVEY and ON TARGET  
STAFFING, LLC,  
Joint Employers

and

**(b) (6), (b) (7)(C)**

an Individual

Case 22-CA-29356

**ON TARGET STAFFING, LLC'S ANSWER  
TO CONSOLIDATED COMPLAINT**

Respondent, On Target Staffing, LLC (hereinafter "On Target"), by way of answer to the Consolidated Complaint and Notice of Hearing issued by the National Labor Relations Board, says:

**ORDER CONSOLIGATING CASES**

On Target takes no position regarding the Order Consolidating the Cases with numbers

22-CA-29333 ((b) (6), (b) (7)(C)) and 22-CA-29356 ((b) (6), (b) (7)(C)) as same calls for a legal conclusion, no notice of consolidation was provided and no detail concerning the decision to consolidate was set forth in the Order. On Target denies any allegations that it is a joint employer and denies that it has engaged in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Sec. 151, et seq. ("the Act")

With respect to the allegations set forth in the Consolidated Complaint, On Target responds as follows:

1. (a) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7)(C) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(b) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(c) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(d) The Consolidated Complaint contained no paragraph 1(d).

(e) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(f) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.



2. (a) Admit.

(b) Admit.

3. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.

4. Deny.

5. (a) On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.

(b) On Target is without sufficient knowledge concerning the allegations contained in Paragraph 5(a) as same call for a legal conclusion.

6. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to another entity.

7. (a) Admit.

(b) On Target is without sufficient knowledge concerning the allegations contained in Paragraph 7(b) as same are unclear in that they allege that Power Survey “exercised control over the labor relations policy of Respondent On Target” and otherwise call for a legal conclusion.

(c) On Target is without sufficient knowledge concerning the allegations contained in Paragraph 7(c) as same call for a legal conclusion.

8. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.

9. Admit that (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) of Respondent On Target and is without sufficient knowledge concerning the remaining allegations set forth in Paragraph 9 as same call for a legal conclusion.

10. On Target admits that (b) (6), (b) (7)(C) had a discussion with various employees on our around February 24, 2010 but during said meeting made no promises or threats.

(a) Deny.

(b) Deny.

(c) Deny.

(d) Deny.

11. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.

12. Deny.

13. Deny.

14. (a) Deny.

(b) Deny.

15. Deny.

16. Deny.

17. Deny.

18. There is no Paragraph 18 in the Consolidated Complaint.

19. There is no Paragraph 19 in the Consolidated Complaint.

20. There is no Paragraph 20 in the Consolidated Complaint.

21. Deny.

22. Deny.

23. Deny.



24. On Target is without sufficient knowledge concerning the allegations set forth in this Paragraph as same call for a legal conclusion except to deny that it engaged in any wrongdoing.

**CARMAGNOLA & RITARDI, LLC**  
Attorneys for Respondent, On Target Staffing, LLC

By: /s/ Domenick Carmagnola  
DOMENICK CARMAGNOLA

DATED: July 6, 2010

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

<b>POWER SURVEY LLC</b>	:	
<b>ON TARGET STAFFING, LLC</b>	:	
<b>Joint Employers</b>	:	
	:	
<b>and</b>	:	<b>Case 22-CA-29333</b>
	:	
<b>(b) (6), (b) (7)(C)</b>	:	
<b>an Individual</b>	:	
	:	
<b>POWER SURVEY LLC</b>	:	
<b>ON TARGET STAFFING, LLC</b>	:	
<b>Joint Employers</b>	:	
	:	
<b>and</b>	:	<b>Case 22-CA-29356</b>
	:	
<b>(b) (6), (b) (7)(C)</b>	:	

**RESPONDENT, POWER SURVEY LLC'S ANSWER TO ORDER CONSOLIDATING  
CASES, CONSOLIDATED COMPLAINT AND NOTICE OF HEARING**

Pursuant to the National Labor Relations Board's Rules & Regulations and consistent with communication with the Regional Office, Respondent Power Survey LLC (hereinafter "Power Survey" or "Respondent"), through its undersigned counsel, hereby responds to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing in the above-captioned matter upon information and belief as follows:

1. (a) Respondent is without knowledge as to when Charge No. 22-CA-29333 was filed by **(b) (6), (b) (7)(C)** in this matter, but admits that a copy was served on or about March 5, 2010.



(b) Respondent is without knowledge as to when Charge No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about March 25, 2010.

(c) Respondent is without knowledge as to when the first amended charge in Case No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about April 1, 2010.

(e)<sup>1</sup> Respondent is without knowledge as to when the second amended charge in Case No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about April 8, 2010.

(f)<sup>2</sup> Respondent is without knowledge as to when the third amended charge in Case No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about June 1, 2010.

2. (a) Admitted.

(b) Admitted in part; denied in part. It is admitted only that Respondent On Target has provided “temporary staffing labor” to Power Survey at certain times. Respondent is without knowledge as to any other activities of Respondent On Target with respect to other companies or otherwise, and these allegations are therefore denied.

3. Admitted.

4. Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

5. (a) Admitted.

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<sup>1</sup> This paragraph was incorrectly labeled “(e)” in the Consolidated Complaint.  
<sup>2</sup> This paragraph was incorrectly labeled “(f)” in the Consolidated Complaint.

(b) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

6. Admitted.

7. (a) The allegations of this paragraph purport to characterize writings that speak for themselves and, therefore, are denied.

(b) Denied.

(c) Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required.

8. Admitted in part; denied in part. It is admitted that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are “supervisors” of Power Survey within the meaning of Section 2(11) of the Act and have the respective titles set forth in this paragraph of the Consolidated Complaint. It is denied that these individuals are “agents” of Power Survey for any purpose material to this matter, alleged or otherwise. It is denied that (b) (6), (b) (7)(C) is a “supervisor” of Power Survey within the meaning of Section 2(11) of the Act, that (b) (6), (b) (7)(C) is an “agent” of Power Survey under Section 2(13) for any purpose material to this matter, alleged or otherwise, and that (b) (6), (b) (7)(C) holds or has held at any time the position of (b) (6), (b) (7)(C). To the extent any of the remaining allegations contained herein state conclusions of law, they are deemed denied and no responsive pleading is required. All remaining allegations are denied.

9. Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

10. Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

(a) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

(b) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

(c) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

(d) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

11. Denied.

12. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

13. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the



alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

14. (a) Denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

(b) Denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

15. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied

16. Denied. Respondent incorporates by reference its responses to paragraphs 12 through 15 above. By way of further response, this paragraph fails to identify which "Respondent" the "named employees" were allegedly employed by. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response,

Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

17. Denied. Respondent incorporates by reference its responses to paragraphs 14(b) and 15 above. By way of further response, this paragraph fails to identify which “Respondent” the “named employee” was allegedly employed by. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

**[PARAGRAPHS 18 THRU 20 WERE OMITTED FROM THE CONSOLIDATED COMPLAINT]**

18. X

19. X

20. X

21. Denied. Respondent incorporates by reference its responses to paragraphs 10 and 11 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to

form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

22. Denied. Respondent incorporates by reference its responses to paragraphs 12 through 16 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

23. Denied. Respondent incorporates by reference its responses to paragraphs 14(b), 15, and 17 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

24. Denied. By way of further response, this paragraph fails to identify which “Respondent” is alleged to have committed “unfair labor practices.” By way of further response, to the extent that the allegations of this paragraph refer to Respondent Power Survey, it denies that it has committed any “unfair labor practices.” By way of further response, the allegations



contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied

Wherefore, having fully answered all counts of the Consolidated Complaint, Respondent Power Survey LLC respectfully moves that the Consolidated Complaint be dismissed on all counts.

#### **SEPARATE DEFENSES**

25. The Consolidated Complaint fails to state a claim upon which relief may be granted.

26. Respondent has acted at all relevant times in good faith.

27. Respondent is not and has not ever been the “employer” of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) or (b) (6), (b) (7) under the meaning of the Act.

28. Respondent Power Survey is not and at no time has ever been a “joint employer” with Respondent On Target with respect to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7) or any other individual under the meaning of the Act.

29. Any actions or omissions of Respondent with respect to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7) were taken or not taken based on legitimate, non-discriminatory business reasons unrelated to any union or other activities protected under the National Labor Relations Act in which (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and/or (b) (6), (b) (7) or any other individual is alleged to have engaged.

30. Some or all of the allegations of the Consolidated Complaint are barred in whole or in part by the applicable limitations period under Section 10(b) of the National Labor Relations Act.

31. To the extent that the Consolidated Complaint seeks relief, any claims for back pay or other remedies are barred in whole or in part to the extent that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C) have failed to take reasonable steps to mitigate their damages.

32. Some or all of the allegations of the Consolidated Complaint are barred in whole or in part because such allegations were not within the scope of the allegations made in any underlying unfair labor practice charge.

Wherefore, having fully answered all counts of the Consolidated Complaint, Respondent Power Survey LLC respectfully moves that the Consolidated Complaint be dismissed on all counts.

Respectfully submitted,

  
Richard G. Rosenblatt  
Michael E. Lignowski  
Morgan Lewis & Bockius, LLP  
502 Carnegie Center  
Princeton, NJ 08542  
609.919.6609  
Attorneys for Respondent  
Power Survey LLC

Dated: July 6, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Respondent Power Survey LLC's Answer to the Order Consolidating Cases, Consolidated Complaint and Notice of Hearing was served this 6th day of July 2010, upon the following:

**Via e-mail:**

J. Michael Lightner  
Regional Director  
NLRB Region 22  
5<sup>th</sup> Floor  
20 Washington Place  
Newark, NJ 07012-3115

Michael P. Silverstein  
Board Agent  
NLRB Region 22  
5<sup>th</sup> Floor  
20 Washington Place  
Newark, NJ 07012-3115

Domenick Carmagnola, Esq.  
Carmagnola & Ritardi, LLC  
60 Washington Street  
Morristown, NJ 07960


**Via regular first-class U.S. mail:**

(b) (6), (b) (7)(C)

On Target  
1040 Orchard Street  
North Brunswick, NJ 08902

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

  
Michael E. Lignowski



UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22

POWER SURVEY, LLC,  
ON TARGET STAFFING, LLC  
Joint Employers

and

Case 22-CA-29333

(b) (6), (b) (7)(C)  
an Individual

POWER SURVEY, LLC,  
ON TARGET STAFFING, LLC  
Joint Employers

and

Case 22-CA-29356

(b) (6), (b) (7)(C)  
an Individual

ORDER CONSOLIDATING CASES, FIRST AMENDED CONSOLIDATED COMPLAINT  
AND NOTICE OF HEARING

(b) (6), (b) (7)(C), an individual, herein called (b) (6), (b) (7)(C) has charged in Case 22-CA-29333, and (b) (6), (b) (7)(C), an individual, herein called (b) (6), (b) (7)(C) has charged in Case 22-CA-29356 that Power Survey Company, herein described by its correct name, Power Survey, LLC, and herein individually called Respondent Power Survey, and On Target Staffing, LLC, herein individually called Respondent On Target, and herein collectively called Respondents, have been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C Sec. 151 et. seq., herein called the Act. Based thereon, and in order to avoid unnecessary costs or delay, the

Acting General Counsel, by the undersigned, pursuant to Section 102.33 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, ORDERS that these cases are consolidated.

These cases having been consolidated, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules and Regulations, issues this Order Consolidating Cases, First Amended Consolidated Complaint and Notice of Hearing and alleges as follows:

1. (a) The charge in Case 22-CA-29333 was filed by (b) (6), (b) (7)(C) on March 5, 2010, and a copy was served by regular mail upon Respondents on the same date.

(b) The charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on March 24, 2010, and a copy was served by regular mail upon Respondents on March 25, 2010.

(c) The first amended charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on March 31, 2010, and a copy was served by regular mail upon Respondents on April 1, 2010.

(d) The second amended charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on April 7, 2010, and a copy was served by regular mail upon Respondents on April 8, 2010.

(e) The third amended charge in Case 22-CA-29356 was filed by (b) (6), (b) (7) on June 1, 2010, and a copy was served by regular mail upon Respondents on the same date.

2. (a) At all material times, Respondent Power Survey, a Delaware corporation, has been engaged in the business of mobile stray voltage detection out of its 25 Campus Drive, Kearny, New Jersey facility, herein called Respondent Power Survey's Kearny facility.

(b) At all material times, Respondent On Target, a limited liability company with offices throughout the state of New Jersey, has been engaged in the business of providing temporary staffing labor to companies, including Respondent Power Survey.

3. During the preceding twelve month period, Respondent Power Survey, in conducting its business operations described above in paragraph 2(a), purchased and received at its Kearny facility goods valued in excess of \$50,000 directly from points located outside the State of New Jersey.

4. During the preceding twelve month period, Respondent On Target in conducting its business operations described above in paragraph 2(b), performed services valued in excess of \$50,000 in states other than the State of New Jersey.

5. (a) At all material times, Respondent Power Survey has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

(b) At all material times, Respondent On Target has been engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

6. At all material times, Local 3, International Brotherhood of Electrical Workers, herein called the Union, has been a labor organization within the meaning of Section 2(5) of the Act.

7. (a) At all material times, Respondents have been parties to a contract which provides that Respondent On Target will supply Respondent Power Survey with temporary employees to supplement Respondent Power Survey's permanent complement of field technicians.

(b) At all material times, Respondent Power Survey has exercised control over the labor relations policies of Respondent On Target for the employees of Respondent On Target working at Respondent Power Survey's Kearny facility.

(c) At all material times, Respondent Power Survey and Respondent On Target have been joint employers of the employees of Respondent On Target working at Respondent Power Survey's Kearny facility.



8. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondent Power Survey within the meaning of Section 2(11) of the Act and agents of Respondent Power Survey within the meaning of Section 2(13) of the Act:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

9. At all material times, (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) of Respondent On Target and has been a supervisor of Respondent On Target within the meaning of Section 2(11) of the Act and an agent of Respondent On Target within the meaning of Section 2(13) of the Act.

10. About February 24, 2010, Respondents, by (b) (6), (b) (7)(C), at a gas station located along Truck Route 1 & 9:

(a) promised employees improved holiday and vacation pay if they refrained from union organizational activities;

(b) by soliciting employee complaints and grievances, promised employees increased benefits and improved terms and conditions of employment if they refrained from union organizational activities;

(c) threatened employees with discharge if they engaged in activities in support of or on behalf of the Union or any other labor organization;

(d) threatened employees with discharge if they appeared to vote or voted at the NLRB election to be conducted the following month.

11. About March 18, 2010, Respondents, by (b) (6), (b) (7)(C), threatened employees with discharge because they appeared to vote on the night of the Board election.

12. About (b) (6), (b) (7)(C), 2010, Respondents discharged (b) (6), (b) (7)(C).

13. About (b) (6), (b) (7)(C), 2010, Respondents discharged (b) (6), (b) (7)(C).

14. (a) About early (b) (6), (b) (7)(C) 2010, Respondents reduced the hours of (b) (6), (b) (7)(C).

(b) About (b) (6), (b) (7)(C) 2010, Respondents further reduced the hours of (b) (6), (b) (7)(C).

15. About early (b) (6), (b) (7)(C) 2010, Respondents discharged (b) (6), (b) (7)(C).

16. Respondents engaged in the conduct described above in paragraphs 12 through 15 because the named employees of Respondents assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

17. Respondents engaged in the conduct described above in paragraphs 14(b) and 15 because the named employee of Respondents voted at the representation election conducted by the Board on March 18, 2010.

18. By the conduct described above in paragraphs 10 and 11, Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act in violation of Section 8(a)(1) of the Act.

19. By the conduct described above in paragraphs 12 through 16, Respondents have been discriminating in regard to the hire or tenure or terms or conditions of employment of its employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

20. By the conduct described above in paragraphs 14(b), 15 and 17, Respondents have been discriminating against employees for participating in a Board proceeding in violation of Section 8(a)(1) and (4) of the Act.

21. The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

WHEREFORE, as part of the remedy for the unfair labor practices alleged above in paragraphs 12 through 17, the Acting General Counsel seeks an Order requiring that the Respondents pay interest on any back pay or other monetary awards on a compounded, quarterly basis. The Acting General Counsel further seeks all other relief as may be just and proper to remedy the unfair labor practices alleged.

#### **NOTICE OF HEARING**

PLEASE TAKE NOTICE THAT on the 17th day of August, 2010, at 9:30 a.m. and on consecutive days thereafter until concluded, a hearing will be conducted at the Veteran's Administration Building, 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey before an administrative law judge of the National Labor Relations Board. At the hearing, Respondents and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this consolidated amended complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

#### **ANSWER REQUIREMENT**

Respondents are notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, they must file answers to the consolidated amended complaint. The answers must be



**received by this office on or before July 27, 2010, or postmarked on or before July 26, 2010.**

Unless filed electronically in a pdf format, Respondents should file an original and four copies of their answers with this office and serve a copy of their answers on each of the other parties.

Answers may also be filed electronically by using the E-Filing system on the Agency's website. In order to file an answer electronically, access the Agency's website at <http://www.nlr.gov>, click on **E-Gov**, then click on the **E-Filing** link on the pull-down menu. Click on the "File Documents" button under "Regional, Subregional and Resident Offices" and then follow the directions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Sections 102.21. If an answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer needs to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of an answer on each of the other parties must still be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. An answer may not be filed by facsimile transmission. If no answer is filed or if an answer is filed untimely, the Board may find,

pursuant to a Motion for Default Judgment, that the allegations in the consolidated amended complaint are true.

Dated at Newark, New Jersey, this 13th day of July, 2010.

  
J. Michael Lightner  
Regional Director  
National Labor Relations Board  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, New Jersey 07102-3110

Attachments

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

POWER SURVEY, LLC,  
ON TARGET STAFFING, LLC, Joint Employers

RA-SECY

And

(b) (6), (b) (7)(C), An Individual

POWER SURVEY, LLC  
ON TARGET STAFFING, LLC, Joint Employers

Case No. 22-CA-29333  
22-CA-29356

And

(b) (6), (b) (7)(C), An Individual

DATE OF MAILING July 13, 2010

AFFIDAVIT OF SERVICE OF Order Consolidating Cases, First Amended Consolidating  
Complaint and Notice of Hearing

I, the undersigned employee of the National Labor Relations Board, being duly sworn, depose and say that on the date indicated above I served the above-entitled document(s) by post-paid mail upon the following persons, addressed to them at the following addresses:

CERTIFIED MAIL

Michael E. Lignowski, Esq.  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Domenick Carmagnola, Esq.  
Carmagnola & Ritardi, LCC  
60 Washington Street  
Morristown, NJ 07960

(b) (6), (b) (7)(C)

REGULAR MAIL

(b) (6), (b) (7)(C)  
Power Survey Co.  
25 Campus Drive  
Kearny, NJ 07032

(b) (6), (b) (7)(C)  
On Target  
1040 Orchard Street  
North Brunswick, NJ 08902

(b) (6), (b) (7)(C)  
Power Survey  
On Target Staffing LLC and Power Survey  
Company, a joint Employer  
77 South Hackensack Avenue  
South Kearny, NJ 07302



(b) (6), (b) (7)(C)

<b>Subscribed and sworn to before me this</b> <u>13th</u> <b>day</b>  <b>of</b> <u>July</u> <b>, 20</b> <u>10</u>	<b>DESIGNATED AGENT</b>  <b>NATIONAL LABOR RELATIONS BOARD</b>
-------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------

**CARMAGNOLA & RITARDI, LLC**

60 Washington Street

Morristown, NJ 07960

(973) 267-4445

(973) 267-4456(FAX)

Attorneys for On Target Staffing, LLC

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

POWER SURVEY and ON TARGET  
STAFFING, LLC,  
Joint Employers

and

(b) (6), (b) (7)(C)

an Individual

Case 22-CA-29333

POWER SURVEY and ON TARGET  
STAFFING, LLC,  
Joint Employers

and

(b) (6), (b) (7)(C)

an Individual

Case 22-CA-29356

**ON TARGET STAFFING, LLC'S ANSWER  
TO FIRST AMENDED CONSOLIDATED COMPLAINT**

Respondent, On Target Staffing, LLC (hereinafter "On Target"), by way of answer to the Consolidated Complaint and Notice of Hearing issued by the National Labor Relations Board, says:

**ORDER CONSOLIGATING CASES**

On Target takes no position regarding the Order Consolidating the Cases with numbers

22-CA-29333 ((b) (6), (b) (7)(C)) and 22-CA-29356 ((b) (6), (b) (7)(C)) as same calls for a legal conclusion, no notice of consolidation was provided and no detail concerning the decision to consolidate was set forth in the Order. On Target denies any allegations that it is a joint employer and denies that it has engaged in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Sec. 151, et seq. ("the Act")

With respect to the allegations set forth in the Consolidated Complaint, On Target responds as follows:

1. (a) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7)(C) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(b) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(c) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(d) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.

(e) On Target is without sufficient knowledge concerning the date in which (b) (6), (b) (7) filed (b) (6) charge, but admits receiving same. On Target denies any allegations that it engaged in unfair labor practices as set forth in the Act.



2. (a) Admit.  
(b) Admit.
3. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.
4. Deny.
5. (a) On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.  
(b) On Target is without sufficient knowledge concerning the allegations contained in Paragraph 5(a) as same call for a legal conclusion.
6. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to another entity.
7. (a) Admit.  
(b) On Target is without sufficient knowledge concerning the allegations contained in Paragraph 7(b) as same is unclear in that they allege that Power Survey “exercised control over the labor relations policy of Respondent On Target” and otherwise call for a legal conclusion.  
(c) On Target is without sufficient knowledge concerning the allegations contained in Paragraph 7(c) as same call for a legal conclusion.
8. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.
9. Admit that (b) (6), (b) (7)(C) has held the position of (b) (6), (b) (7)(C) of Respondent On Target and is without sufficient knowledge concerning the remaining allegations set forth in Paragraph 9 as same call for a legal conclusion.
10. On Target admits that (b) (6), (b) (7)(C) had a discussion with various employees on our around

February 24, 2010 but during said meeting made no promises or threats.

(a) Deny.

(b) Deny.

(c) Deny.

(d) Deny.

11. On Target is without sufficient knowledge to admit or deny this allegation as same is directed to Power Survey.

12. Deny.

13. Deny.

14. (a) Deny.

(b) Deny.

15. Deny.

16. Deny.

17. Deny.

18. Deny.

19. Deny.

20. Deny.

21. On Target is without sufficient knowledge concerning the allegations set forth in this Paragraph as same call for a legal conclusion except to deny that it engaged in any wrongdoing.

**CARMAGNOLA & RITARDI, LLC**

Attorneys for Respondent, On Target Staffing, LLC

By: /s/ Domenick Carmagnola  
DOMENICK CARMAGNOLA

DATED: July 20, 2010

**CERTIFICATION OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Respondent, On Target Staffing, LLC's Answer to First Amended Consolidated Complaint was served this 20<sup>th</sup> day of July, 2010, upon the following:

**Via Electronic Mail**

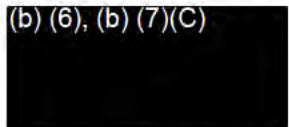
Michael E. Lignowski, Esq.  
Morgan, Lewis & Bockius  
1701 Market Street  
Philadelphia, PA 19103-2921

J. Michael Lightner  
Regional Director  
NLRB Region 22  
5<sup>th</sup> Floor  
20 Washington Place  
Newark, NJ 07012-3115

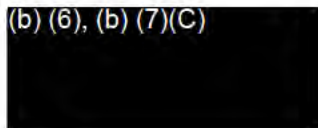
Michael P. Silverstein  
Board Agent  
NLRB Region 22  
5<sup>th</sup> Floor  
20 Washington Place  
Newark, NJ 07012-3115

**Via regular first-class mail**

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



/s/ Domenick Carmagnola  
Domenick Carmagnola, Esq.





(b) Respondent is without knowledge as to when Charge No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about March 25, 2010.

(c) Respondent is without knowledge as to when the first amended charge in Case No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about April 1, 2010.

(d) Respondent is without knowledge as to when the second amended charge in Case No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about April 8, 2010.

(e) Respondent is without knowledge as to when the third amended charge in Case No. 22-CA-29356 was filed by (b) (6), (b) (7)(C) in this matter, but admits that a copy was served on or about June 1, 2010.

2. (a) Admitted.

(b) Admitted in part; denied in part. It is admitted only that Respondent On Target has provided "temporary staffing labor" to Power Survey at certain times. Respondent is without knowledge as to any other activities of Respondent On Target with respect to other companies or otherwise, and these allegations are therefore denied.

3. Admitted.

4. Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

5. (a) Admitted.

(b) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

6. Admitted.

7. (a) The allegations of this paragraph purport to characterize writings that speak for themselves and, therefore, are denied.

(b) Denied.

(c) Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required.

8. Admitted in part; denied in part. It is admitted that (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) are “supervisors” of Power Survey within the meaning of Section 2(11) of the Act and have the respective titles set forth in this paragraph of the First Amended Consolidated Complaint. It is denied that these individuals are “agents” of Power Survey for any purpose material to this matter, alleged or otherwise. It is denied that (b) (6), (b) (7)(C) is a “supervisor” of Power Survey within the meaning of Section 2(11) of the Act, that (b) (6), (b) (7)(C) is an “agent” of Power Survey under Section 2(13) for any purpose material to this matter, alleged or otherwise, and that (b) (6), (b) (7)(C) holds or has held at any time the position of (b) (6), (b) (7)(C). To the extent any of the remaining allegations contained herein state conclusions of law, they are deemed denied and no responsive pleading is required. All remaining allegations are denied.

9. Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

10. Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

(a) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

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(b) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

---

(c) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

(d) Respondent lacks knowledge sufficient to form an opinion as to allegations of this paragraph and, therefore, those allegations are denied.

11. Denied.

12. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

13. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.



14. (a) Denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

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(b) Denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

15. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied

16. Denied. Respondent incorporates by reference its responses to paragraphs 12 through 15 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

17. Denied. Respondent incorporates by reference its responses to paragraphs 14(b) and 15 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

18. Denied. Respondent incorporates by reference its responses to paragraphs 10 and 11 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

19. Denied. Respondent incorporates by reference its responses to paragraphs 12 through 16 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts

and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

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20. Denied. Respondent incorporates by reference its responses to paragraphs 14(b), 15, and 17 above. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

21. Denied. By way of further response, the allegations contained herein are deemed to be denied to the extent that they state conclusions of law to which no responsive pleading is required. If and to the extent that a responsive pleading is deemed to be required, the allegations are denied. By way of further response, Respondent Power Survey lacks knowledge sufficient to form an opinion as to allegations of this paragraph to the extent they relate to the alleged acts and/or omissions of Respondent On Target and, therefore, those allegations are denied. All remaining allegations are denied.

Wherefore, having fully answered all counts of the First Amended Consolidated Complaint, Respondent Power Survey LLC respectfully moves that the First Amended Consolidated Complaint be dismissed on all counts.

#### **SEPARATE DEFENSES**

22. The First Amended Consolidated Complaint fails to state a claim upon which relief may be granted.

23. Respondent has acted at all relevant times in good faith.

24. Respondent is not and has not ever been the “employer” of (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) or (b) (6), (b) (7) under the meaning of the Act.

25. Respondent Power Survey is not and at no time has ever been a “joint employer” with Respondent On Target with respect to (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and (b) (6), (b) (7) or any other individual under the meaning of the Act.

26. Any actions or omissions of Respondent with respect to (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and (b) (6), (b) (7) were taken or not taken based on legitimate, non-discriminatory business reasons unrelated to any union or other activities protected under the National Labor Relations Act in which (b) (6), (b) (7)(C), (b) (6), (b) (7)(C) and/or (b) (6), (b) (7) or any other individual is alleged to have engaged.

27. Some or all of the allegations of the First Amended Consolidated Complaint are barred in whole or in part by the applicable limitations period under Section 10(b) of the National Labor Relations Act.

28. To the extent that the First Amended Consolidated Complaint seeks relief, any claims for back pay or other remedies are barred in whole or in part to the extent that (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) and/or (b) (6), (b) (7)(C) have failed to take reasonable steps to mitigate their damages.

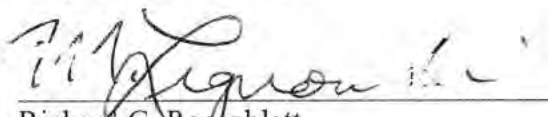
29. Some or all of the allegations of the First Amended Consolidated Complaint are barred in whole or in part because such allegations were not within the scope of the allegations made in any underlying unfair labor practice charge.



Wherefore, having fully answered all counts of the First Amended Consolidated Complaint, Respondent Power Survey LLC respectfully moves that the First Amended Consolidated Complaint be dismissed on all counts.

---

Respectfully submitted,



Richard G. Rosenblatt  
Michael E. Lignowski  
Morgan Lewis & Bockius, LLP  
502 Carnegie Center  
Princeton, NJ 08542  
609.919.6609  
Attorneys for Respondent  
Power Survey LLC

Dated: July 27, 2010

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing Respondent Power Survey  
LLC's Answer to the Order Consolidating Cases, First Amended Consolidated Complaint and  
Notice of Hearing was served this 27th day of July 2010, upon the following:

**Via e-mail:**

J. Michael Lightner  
Regional Director  
NLRB Region 22  
5<sup>th</sup> Floor  
20 Washington Place  
Newark, NJ 07012-3115

Michael P. Silverstein  
Board Agent  
NLRB Region 22  
5<sup>th</sup> Floor  
20 Washington Place  
Newark, NJ 07012-3115

Domenick Carmagnola, Esq.  
Carmagnola & Ritardi, LLC  
60 Washington Street  
Morristown, NJ 07960


**Via regular first-class U.S. mail:**

(b) (6), (b) (7)(C)

On Target  
1040 Orchard Street  
North Brunswick, NJ 08902

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

  
Michael E. Lignowski

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 22**

Power Survey, LLC and On Target Staffing, LLC  
Joint Employers

Case 22-CA-29333

and

**(b) (6), (b) (7)(C)**

an Individual

Power Survey, LLC and On Target Staffing, LLC  
Joint Employers

Case 22-CA-29356

and

**(b) (6), (b) (7)(C)**

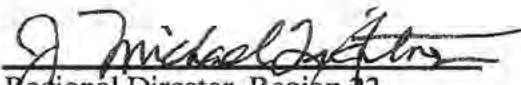
an Individual

**ORDER RESCHEDULING HEARING**

IT IS HEREBY ORDERED that the hearing in the above-entitled matter be, and same hereby is rescheduled from the 17<sup>th</sup> day of August 2010 to the 5<sup>th</sup> day of October 2010 at 9:30 a.m. at 20 Washington Place, 5<sup>th</sup> Floor, Newark, New Jersey 07102.

**DATED** at Newark, New Jersey this 17<sup>th</sup> day August 2010.



  
Regional Director, Region 22  
National Labor Relations Board

We are posting this Notice to inform you of your rights guaranteed by the National Labor Relations Act.

**FEDERAL LAW GIVES YOU THE RIGHT TO**

Form, join or assist a union  
Choose representatives to bargain with us on your behalf  
Act together with other employees for your benefit and protection  
Choose not to engage in any of these protected activities.

We assure our employees that:

**WE WILL NOT** interfere with these rights.

**WE WILL NOT** promise employees better benefits if they refrain from union organizational activities.

**WE WILL NOT** solicit employee complaints and grievances, and thereby impliedly promise employees increased benefits and improved terms and conditions of employment if they refrain from union organizational activity.

**WE WILL NOT** threaten employees with discharge for engaging in activities in support of Local 3, IBEW or any other labor organization.

**WE WILL NOT** threaten employees with discharge for voting or appearing to vote at National Labor Relations Board conducted elections.

**WE WILL NOT** reduce employees' hours in retaliation for their activities on behalf of Local 3, IBEW or any other labor organization.

**WE WILL NOT** reduce employees' hours in retaliation for their voting or appearing to vote at National Labor Relations Board conducted elections.

**WE WILL NOT** discharge employees for their activities on behalf of Local 3, IBEW or any other labor organization.

**WE WILL NOT** discharge employees in retaliation for their voting or appearing to vote at National Labor Relations Board conducted elections.

**WE WILL NOT**, in any like or related manner, interfere with, restrain, and coerce employees in the exercise of rights guaranteed in Section 7 of the Act.

**WE WILL** make (b) (6), (b) (7)(C) whole for loss of earnings and benefits suffered by (b) (6) as a result of any reduction of (b) (6) hours.

**WE WILL** make (b) (6), (b) (7)(C), (b) (6), (b) (7)(C), and (b) (6), (b) (7)(C), who have waived reinstatement, whole for loss of earning and benefits suffered by them as a result of their discharges.

**ON TARGET STAFFING, LLC**

(Employer)

\_\_\_\_\_  
(Dated)

\_\_\_\_\_  
(Name)

\_\_\_\_\_  
(Title)



We are posting this Notice to inform you of your rights guaranteed by the National Labor Relations Act.

**FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union;
- Choose representatives to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

We assure our employees that:

**WE WILL NOT** interfere with these rights.

**WE WILL NOT** threaten employees with discharge for voting or appearing to vote at National Labor Relations Board conducted elections.

**WE WILL NOT**, in any like or related manner, interfere with, restrain, and coerce employees in the exercise of rights guaranteed in Section 7 of the Act.

**POWER SURVEY LLC**

**(Employer)**

DATED: \_\_\_\_\_

BY: \_\_\_\_\_  
(Representative) (Title)

**NOTICE POSTING CERTIFICATION FORM**

**Re: POWER SURVEY, LLC**  
**Case 22-CA-29333**

**NOTICES WERE POSTED IN EACH OF THE LOCATIONS SHOWN BELOW:**

<b><u>Date of</u></b> <b><u>Notice Posting</u></b>	<b><u>Number of</u></b> <b><u>Notices Posted</u></b>	<b><u>Place(s) Where</u></b> <b><u>Notices Posted</u></b>	<b><u>Address</u></b> <b><u>Where Notices Posted</u></b>
-------------------------------------------------------	---------------------------------------------------------	--------------------------------------------------------------	-------------------------------------------------------------

**DATED:** \_\_\_\_\_ **SIGNED:** \_\_\_\_\_  
(Name) (Title)

***Attached is one (1) accurate, signed and dated original Notices as posted.***



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, NJ 07102-3115  
Telephone: 973-645-2100

November 5, 2010

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Re: 1) Power Survey Co. 2) On Target  
Staffing, LLC  
Cases 22-CA-29333, 22-CA-29356

Dear (b) (6), (b) (7)(C)

For your information, we have learned that the Employer has posted the Notices to Employees on 9/30/10 in the location listed below:

On the wall by loading dock at the Kearny, NJ location.

If you have any problems with the notice posting or any complaints about non-posting, you should immediately report them to the undersigned with an explanation of the problems. If I do not hear from you within seven (7) days, I will assume that this is sufficient.

Very truly yours,

Collette Sarro  
Compliance Officer



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, NJ 07102-3115  
Telephone: 973-645-2100

December 14, 2010

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Re: 1) Power Survey Co.  
2) On Target Staffing, LLC  

---

Cases 22-CA-29333, 22-CA-29356

Dear (b) (6), (b) (7)(C)

The above case is schedule for closing on December 28, 2010 upon compliance with the Settlement Agreement. If you have any objections to the case being closed, you should advise the undersigned promptly and submit any evidence in support of such objection to this office by close of business December 21, 2010.

Very truly yours,

Collette Sarro  
Compliance Officer





United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
Region 22  
20 Washington Place, 5<sup>th</sup> Floor  
Newark, NJ 07102-3115  
Telephone: 973-645-2100

December 28, 2010

**(b) (6), (b) (7)(C)**

Power Survey Co.  
25 Campus Drive  
Kearny, NJ 07032

**(b) (6), (b) (7)(C)**

On Target Staffing, LLC  
1040 Orchard Street  
North Brunswick, NJ 08902

Re: 1) Power Survey Co  
2) On Target Staffing, LLC  
Cases 22-CA-29333  
22-CA-29356

Dear **(b) (6), (b) (7)(C)**

After a review of all aspects of compliance in the above-captioned case, it has been determined that the Employer has met its obligations with regard to all terms and provisions of the Settlement Agreement in this matter.

Accordingly, this matter is hereby closed and will remain closed, conditioned upon continued compliance. In the event that subsequent violations of the National Labor Relations Act occur, this matter may be reopened.

Very truly yours,


J. Michael Lightner  
Regional Director

cc: See page 2.

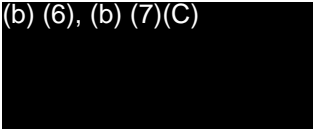
cc: Michael E. Lignowski, Esq.  
Morgan, Lewis & Bockius LLP  
1701 Market Street  
Philadelphia, PA 19103

Domenick Carmagnola, Esq.  
Carmagnola & Ritardi, LLC  
60 Washington Street  
Morristown, NJ 07960

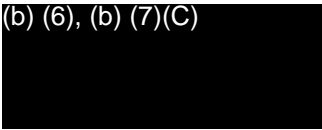
(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

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(b) (6), (b) (7)(C)

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NATIONAL LABOR RELATIONS BOARD  
**REGIONAL OFFICE CLOSED CASE REPORT**  
INSTRUCTIONS: Submit one copy to Operations Management.  
(Check appropriate blocks)CHECK ☐ IF WASHINGTON  
APPROVAL BEING REQUESTED☐ Formal Compliance ☒ Informal Compliance ☐ Non-Board Settlement ☒ Complaint Auth by Region ☐ Complaint Auth by Office of Appeals

CASE NO. (All case nos. starting with key case no )  22-CA-29333 22-CA-29356		CASE NAME  1) Power Survey Co. 2) On Target Staffing, LLC	
DATE FILED  March 5, 2010  DATE CLOSED (If Washington approval requested enter date of approval as date closed).  December 28, 2010  ALLEGATIONS UPHOLD OR ADJUSTED EXAMPLE: 8(a)(1)(3), 8(b)(1)(A)(2)  8(a)(1), (3) and (4)		CLOSING STAGE OF CASE: Check One  Indicate formal document with which compliance was achieved. If "Supplemental" of "Stipulated" indicate beside pertinent document  <input type="checkbox"/> 00 - Pre-Complaint of 10K Notice of Hearing <input checked="" type="checkbox"/> 01 - After Complaint or 10K NOH, before Hearing <input type="checkbox"/> 02 - After Hearing Opened, before Hearing closed <input type="checkbox"/> 03 - After Hearing Closed <input type="checkbox"/> 04 - After ALJ Decision <input type="checkbox"/> 05 - After Board Order - Automatic Decision <input type="checkbox"/> 06 - After Board Order - Stipulated Decision <input type="checkbox"/> 07 - After Board Order - Contested Decision <input type="checkbox"/> 08 - After Consent Court Judgment <input type="checkbox"/> 09 - After Contested Court Judgment <input type="checkbox"/> 10 - After Supreme Court Decision <input type="checkbox"/> 11 - After Contempt Judgment 1/ Date of document checked in 04 - 11 _____	
		TYPE OF CLOSING: Check One  CHECK IF COMPLAINT HAD ISSUED IN CASE <input checked="" type="checkbox"/>  Enter opposite type of agreement date of approval: <input checked="" type="checkbox"/> 1 - All Party Written 9/14/10 <input type="checkbox"/> 2 - Unilateral Written _____ <input type="checkbox"/> 4 - Non-Board _____ <input checked="" type="checkbox"/> 5 - Compliance <input type="checkbox"/> 6 - Part Compliance <input type="checkbox"/> 7 - Non-Compliance WAS ENFORCEMENT RECOMMENDED? YES <input type="checkbox"/> Date _____ NO <input type="checkbox"/> WAS CONTEMPT RECOMMENDED? 1/ YES <input type="checkbox"/> Date _____ NO <input type="checkbox"/> IF RECOMMENDED, CIVIL <input type="checkbox"/> CRIMINAL <input type="checkbox"/>	

**A. REMEDIES INVOLVING REINSTATEMENT, BACKPAY, REIMBURSEMENT (Insert pertinent information below)**

1. EMPLOYER REINSTATEMENT Note: Total of Items B thru E should equal Item A.	2. UNION RESTORATION OF EMPLOYMENT RIGHTS 8(b)(2) (Where not shown in column 1)	3. BACKPAY	4. FEES, DUES, FINES, REFUNDED
A. NO. TO BE REINSTATED 3 B. NO. REINSTATED _____ C. NO. WAIVING REINSTATEMENT BEFORE OFFER _____ (Insert "Reason" under Remarks) D. NO. DECLINING REINSTATEMENT AFTER OFFER 3 (Insert "Reason" under Remarks) E. NO. PLACED ON PREFERENTIAL LIST _____	A. NO. RESTORED TO HIRING HALL RIGHTS _____ B. NO. UNION WITHDREW OBJECTIONS TO EMPLOYMENT _____ C. NO. RECEIVING EMPLOYMENT _____	A. NO. TO BE MADE WHOLE 3 B. NO. RECEIVING 3 C. AMOUNT OF BACKPAY: (1) TOTAL AMOUNT DUE 2/ \$24,000 (2) AMOUNT PAID BY COMPANY 3/ \$24,000 (3) AMOUNT PAID BY UNION 3/ _____	A. NO. RECEIVING _____ B. TOTAL AMOUNT DUE 2/ _____ C. AMOUNT PAID BY COMPANY 3/ _____ D. AMOUNT PAID BY UNION 3/ _____

1/ Submit second copy of this report to Contempt Litigation Branch.

2/ As computed by board agent. (Borderline willful loss issues should not be resolved against claimants ) However, where backpay hearing has been held use amount as determined at latest stage and in "Remarks" or attachment set forth the amount claimed in backpay specification and number for whom claimed.

3/ In formal action cases, if amount paid is less than amount on "Total Amount Due" line, explain fully below in "Remarks" or on attachment, where amount is to be paid in installments, explain arrangements.

**B. OTHER REMEDIES CALLING FOR AFFIRMATIVE ACTION**

Check Applicable Provisions	Check or Insert Action Taken
<input checked="" type="checkbox"/> 01 - POST NOTICE (copy attached)	DATE UNION POSTED - DATE COMPANY POSTED -9/30/10 and 10/15/10
<input type="checkbox"/> 02 - WITHDRAW ASSISTANCE FROM UNION	LETTER OR NOTICE WITHDRAWING ASSISTANCE <input type="checkbox"/>
<input type="checkbox"/> 04 - DISESTABLISH UNION	LETTER OR NOTICE DISESTABLISHING <input type="checkbox"/>
<input type="checkbox"/> 08 - END PICKETING	DATE ENDED- NO. OF EMPLOYEES RETURNING TO WORK-
<input type="checkbox"/> 32 - END WORK STOPPAGE	DATE ENDED- NO. OF EMPLOYEES RETURNING TO WORK-
<input type="checkbox"/> 16 - BARGAIN	STATUS OF BARGAINING WHEN CASE CLOSED: <input type="checkbox"/> 1 - IN PROGRESS <input type="checkbox"/> 2 - INITIAL CONTRACT SIGNED <input type="checkbox"/> 3 - SUCCEEDING CONTRACT SIGNED <input type="checkbox"/> 4 - ABANDONED BECAUSE: PLANT CLOSED, MOVED OR SOLD <input type="checkbox"/> 5 - UNION NO LONGER INTERESTED <input type="checkbox"/> 9 - OTHER (explain).

OTHER REMEDIES (include affirmative actions required by cease and desist order, and remarks) 10/27/10 Final backpay check received. As of the date of posting there are no open related cases.

CONTROL CODE FOR BACKPAY	INSTALLMENT PAYMENTS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	COURT COSTS AWARDED? <input type="checkbox"/> YES <input type="checkbox"/> NO	AMOUNT AWARDED \$	AMOUNT COLLECTED \$	CHECK FORWARDED TO FINANCE BRANCH  DATE:
HAS RESPONDENT(S) COMPLIED WITH NON-AFFIRMATIVE PROVISIONS? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		CHARGING PARTY'S POSITION ON COMPLIANCE  Compliance achieved.			
<b>SIGNATURE OF</b>					
COMPLIANCE OFFICER/BOARD AGENT  /s/	REGIONAL ATTORNEY  /s/	REGIONAL DIRECTOR  /s/	DATE OF THIS REPORT  12/28/10		